

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
March 17, 2009

The City Council convened in Regular Session on Tuesday, March 17, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with Vice President of the Council Larry Muench, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Michael Klinghammer, Bob Kneemiller, Ron Stivison, and Richard Veit. Absent: Laurie Feldman, Jerry Reese, and Mike Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47038

A motion was made by BOB KNEEMILLER to excuse the absences of Councilmembers Laurie Feldman, Jerry Reese, and Michael Weller. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The Vice President of the Council Larry Muench announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-01-09. (Quiktrip Corp.). The applicant is requesting approval of a conditional use permit from Section 156.034(C)(1)(a) within the C-3 Highway Business District for a gas station and convenience store at 2260 First Capitol Drive (currently 6 properties consolidated into 1 piece of land). The subject property is 1.527 acres and is located in Ward Two. **(RCA Attached)**
- B. Public Hearing for 2008 Use of Community Development Block Grant Funds (CDBG) **(RCA Attached)**

RESOLUTIONS/AWARDS/PROCLAMATIONS

Presentation of Proclamation to The Dance Company of St. Charles Commemorating
Their 25th Anniversary

Mayor Patricia M. York presented a proclamation to The Dance Company of St. Charles commemorating their 25th anniversary in business. Tracey Davenport accepted the Proclamation and thanked the Mayor and Council for the recognition.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bills 9882 and 9883 Relative to the Rose Properties Proposed Development
Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and
South River Road

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Laurie Corley, 7901 Crawfordsville Road, Indianapolis, IN 46214, appeared on behalf of Edward Rose Properties, Inc. in favor of Council Bills 9882 and 9883.

Keith Hazelwood, 420 Clark, appeared on behalf of Edward Rose Properties, Inc. in favor of Council Bills 9882 and 9883.

BILLS FOR FINAL PASSAGE

Bill 9877

An Ordinance Vacating a Portion of a Right-of-Way and Utility Easement Located in a Part of Arpent Alley and a Part of Lot 301 of the New Town at St. Charles Plat 1-B
(Sponsors: *Michael Klinghammer and Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Beckering, and
 Ermeling
 "Nay": None
 Absent: Reese, Weller

Approved by the Honorable Mayor on March 20, 2009 and is known as **Ordinance 09-46**

Bill 9878 (Held)

An Ordinance Amending Section 156.038 of the Code of Ordinances Pertaining to the Central Business District (Sponsors: *Michael Klinghammer, Richard Veit, and Larry Muench*)

A motion was made by MICHAEL KLINGHAMMER to hold Council Bill 9878 until April 7, 2009, pending possible amendments. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

Bill 9879

An Ordinance Amending Chapters 134 and 156 and of the Code of Ordinances by Amending: Section 134.04 Pertaining to Discharging Firearms; Section 156.005 to Include a Definition of Indoor Firearm Range; and Section 156.033(C) Pertaining to Conditional Uses in the General Business District (Sponsor: *Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Beckering, and
 Ermeling
 "Nay": None
 Absent: Reese, Weller

Approved by the Honorable Mayor on March 20, 2009 and is known as **Ordinance 09-47**

Bill 9880

An Ordinance Authorizing Amendment No. 1 to the Contract with Pundmann Ford for the Purchase of Nine (9) 2009 Ford Crown Victoria Police Interceptor Vehicles for the Police Department in an Amount of \$212,139.00, for a Total Contract Amount Not to Exceed \$424,278.00 (Sponsor: *Jerry Reese*)

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Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Beckering, and Ermeling
"Nay": None
Absent: Reese, Weller
Approved by the Honorable Mayor on March 20, 2009 and is known as **Ordinance 09-48**

Bill 9881

An Ordinance Approving the Record Plat for Boulders at Katy Trail Phase II Condominium Plat Building 3, a Subdivision of the City of Saint Charles, Missouri
(Sponsor: Laurie Feldman)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Beckering, and Ermeling
"Nay": None
Absent: Reese, Weller
Approved by the Honorable Mayor on March 20, 2009 and is known as **Ordinance 09-49**

Bill 9882 (Held until the April 7, 2009, Regular City Council Meeting)

An Ordinance Rezoning to Zoning District R-3A (Multiple Family Residential District) from Zoning Districts R-1E (Single-Family Residential District) and PD-MU (Planned Development – Mixed Use District) Two Tracts of Land Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and South River Road
(Sponsors: Erv Ermeling and Ron Stivison)

Bill 9883 (Held until the April 7, 2009, Regular City Council Meeting)

An Ordinance Rezoning to Zoning District PD-R (Planned Development Residential District) From Zoning District R-3A (Multiple-Family Residential District), Two Tracts of Land Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and South River Road; Approving the Preliminary Development Plan of Creekstone Falls in Connection Therewith; Granting Variances in Connection with the Plat; and Approving and Authorizing Execution of a Planned Development Agreement and First Amendment to a Planned Development Agreement (Sponsors: Erv Ermeling and Ron Stivison)

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9884

An Ordinance Amending Section 115.07 of the Code of Ordinances Pertaining to the Misdemeanor of Possession or Purchase of Intoxicating Liquor or Non-Intoxicating Beer by Persons Under the Age of 21 to Provide for Expungement (Sponsors: Richard Veit, Larry Muench, and Dave Beckering)

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Bill 9885

An Ordinance Amending Chapter 50 of the Code of Ordinances Pertaining to Solid Waste Management by Inserting a New Subchapter to be known as "Collection Standards" containing a New Section to be known as Section 50.18 Prohibiting Obstruction of Access to Mailboxes with Containers (*Sponsor: Bob Kneemiller*)

Bill 9886

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds to Install a Right Turn Lane on Westbound Old Highway 94 at Muegge Road (*Sponsors: Bob Kneemiller, Larry Muench, Ron Stivison, Erv Ermeling, Michael Klinghammer, and Richard Veit*)

Bill 9887

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds to Install a Right Turn Lane on McClay Road at Hackmann Road and Improve/Widen McClay Road Approximately 400 Lineal Feet Adjacent to the St. Charles City/County Library (*Sponsors: Bob Kneemiller, Larry Muench, Ron Stivison, Erv Ermeling, Michael Klinghammer, and Richard Veit*)

Bill 9888

An Ordinance Authorizing a Contract with B & D Pavement Maintenance for the Crackseal Project 2009 in an Amount Not to Exceed \$120,000.00 (*Sponsor: Jerry Reese*)

Bill 9889

An Ordinance Suspending the Prohibition Against Drinking in Public Places as to Beer and Wine at the Location and During the Hours of Operation of the Mosaics Festival (*Sponsor: Richard Veit*)

Bill 9890

An Ordinance Suspending the Prohibition Against Drinking in Public Places of Intoxicating Liquor at the Location and During the Hours of Operation of Hot Summer Nights (*Sponsor: Richard Veit*)

Bill 9891

An Ordinance Suspending the Prohibition Against Drinking in Public Places as to Beer and Wine at the Location and During the Hours of Operation of the Missouri State Harley Owners Group (HOG) Rally/Cobblestone Street Party (*Sponsor: Richard Veit*)

Bill 9892

An Ordinance Authorizing an Employment Agreement with David Rosenwasser for the Services of Director of Convention and Visitors Bureau of the City of St. Charles, Missouri (*Sponsor: Ron Stivison*)

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Bill 9893

An Ordinance Authorizing a Contract with Eastern Missouri Concrete, LLC for Ready-Mix Concrete Supply Services for the Street Division in an Amount Not to Exceed \$115,000.00 (*Sponsor: Larry Muench*)

Bill 9894

An Ordinance Authorizing Supplemental Agreement Number 2 to the Contract with PB Americas, Inc. for the Design of the Phase I of Boschertown Road Reconstruction from Fox Hill Road to National Cart in an Amount of \$34,761.43, for a Total Contract Not to Exceed \$280,666.49 (*Sponsor: Mike Klinghammer*)

Bill 9895

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Reconstruction of Boschertown Road (*Sponsor: Michael Klinghammer*)

Bill 9896

An Ordinance Approving the Record Plat for Sunset Terrace Block 1 Lots 1 Through 4 and Lots 23 Through 26 Consolidation Plat, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Larry Muench*)

Bill 9897

An Ordinance Authorizing a Contract with Midwest Mudjacking & Construction Company, Inc. for the 2009 Annual Concrete Repair in an Amount Not to Exceed \$1,120,000.00 (*Sponsor: Jerry Reese*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Request of Salvation Army for Matching Funds for a Grant to Aid the Newly Unemployed

A motion was made by DAVE BECKERING to authorize \$2,000 out of Council Directives for the Salvation Army Program to assist newly unemployed individuals. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.
File #47070

CONSENT AGENDA

Councilmember Michael Klinghammer removed *Item 9.B.2.B.i Fire Station Design Team Committee Minutes of February 24, 2009 (Motion that during the concept design stage, preliminary plans for a 1500 square foot Police Substation adjacent to the Fire Station be included with the Fire Station Design); and Item 9.E.5. Renewal Contract with Fred Weber, Inc. for Landfill Services for the Street Division in an amount not to exceed \$50,000.00 from the Consent Agenda.* A motion was made by DAVE BECKERING to receive and approve the

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balance of the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Stivison, Veit, Beckering, Ermeling, and Klinghammer. "Nay": None. Absent: Reese, Weller. Motion passed.

- A. Approval of Council Minutes
Public Hearing of February 17, 2009

File #47071

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes

File #47025

- a. Finance and Audit Minutes of February 10, 2009
 - b. Fire Station Design Team Committee Minutes of February 24, 2009
 - c. Joint Meeting of the Council and Board of Public Works of February 12, 2009

File #47017

File #47072

- 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Finance and Audit Minutes of February 10, 2009
 - i. Motion for the 2008 and 2009 budgets to be on the website prior to March 31, 2009
 - b. Fire Station Design Team Committee Minutes of February 24, 2009
 - i. Motion that during the concept design stage, preliminary plans for a 1500 square foot Police Substation adjacent to the Fire Station be included with the Fire Station Design

REMOVED FROM THE CONSENT AGENDA

- c. Joint Meeting of the Council and Board of Public Works of February 12, 2009
 - i. Motions passed by only the Board of Public Works:
 - a) Direct EMC and HDR/Archer to design the sludge handling option recommended by EMC and HDR/Archer; specifically, installing two centrifuges with the future capability for installation of a dryer at the Missouri River Wastewater Treatment Facility.
 - b) Approve the recommendation of EMC, as presented, relative to the Mississippi River Wastewater Treatment Facility.

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- c) Support the water and sewer rate structure, as recommended at the November 13, 2008, Board of Public Works Meeting.
- C. Receipt of Reports from Boards, Commissions or Committees
- File #46818 1. Special Business District Advisory Board Meeting of December 4, 2008
- File #47073 2. Cable Television Commission Meeting of February 4, 2009
3. Greater St. Charles Convention & Visitors Commission Meeting of December 18, 2008
- a. Motion to Approve the November Financial Report
- b. Motion to Approve the Following Advertising/Public Relations Contracts
- i. St. Louis Post Dispatch - \$9,000
- ii. TNN-STL - \$7,000
- iii. Oprah Magazine – March \$8,500 (Grant)
- iv. Oprah Magazine – April \$8,500 (Grant)
- v. Bank Travel - \$1,925.25 (Grant)
- vi. 2009 Missouri Vacation Guide \$15,397.71 (Grant)
- File #46808 4. Greater St. Charles Convention & Visitors Commission Meeting of January 22, 2009
- a. Motion to Approve the December Financial Report
- b. Motion to Approve the Following Advertising/Public Relations Contracts
- i. St. Charles Camber View Book - \$2,995
- ii. St. Louis Post Dispatch (two inserts for same ad) - \$1,480
- iii. Special Olympics (\$2,500)
- iv. Midwest Meeting Guide - \$550
- v. Best of the Midwest-Midwest Living (Grant) - \$1,200
- vi. Midwest Living, March/April (Grant) - \$17,440
- vii. Midwest Traveler, March/April (Grant) - \$5,738.35
- viii. AAA Living, March/April (Grant) - \$6,559
- ix. Home & Away, March/April (Grant) - \$2,743
- x. Rural Missouri, six issues (Grant) - \$13,242
- xi. Valassis Insert (Grant) - \$6,374
- File #47074 5. Revised Minutes of Citizens with Disabilities Advisory Board Meeting of April 23, 2008
- File #46862 6. Economic Development Commission Meeting of February 5, 2009
- File #47043

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7. Bicentennial Meeting of February 9, 2009
a. Motion to Contract with the Bank Cross Over as Entertainment for the Reception Scheduled for March 27, 2009
File #47027
8. Board of Public Works Meeting of February 12, 2009
File #47075
- D. Receipt of Reports of the Director of Administration
1. Request for Authorization to Fill the Vacant Position of Assistant Director of Public Works and Sewer Maintenance Worker
File #47076
2. Authorization to Negotiate Engineering Services Contract with Bax Engineering for Design of Sidewalks on Ridgeview Drive between West Randolph Street and its Terminus and on Hawthorn Avenue between Park Avenue and Randolph Street
File #47077
3. Authorization to Negotiate an Engineering Services Contract with St. Charles Engineering and Surveying, Inc. for the Design of the Bainbridge to Barthel Sidewalk Project
File #47078
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Shay Roofing, Inc. for Roof Replacement at the St. Charles Senior Center in an amount not to exceed \$56,923.00
File #47079
2. Contract with Oates Association, Inc. for the Design of the Boone's Lick Box Culvert Repair in an amount not to exceed \$65,013.00
File #47080
3. Contract with R.V. Wagner for Construction of the Daniel Boone Monument Park Project in an amount not to exceed \$43,707.50
File #47081
4. Supplemental Agreement No. 1 with Kuhlmann design Group, Inc. for the Mississippi Wastewater Treatment Plant for Maintenance Building Upgrade in an amount not to exceed \$51,000.00
File #47082
5. Renewal Contract with Fred Weber, Inc. for Landfill Services for the Street Division in an amount not to exceed \$50,000.00
REMOVED FROM THE CONSENT AGENDA
6. Right of Way & Easement Acquisition Agreement with Renovation Real Estate LLC for the Property at 433 Jackson for the Fifth Street Improvement Project in the Amount of \$38,500
File #47083

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- F. Preliminary Plats
None
- G. Miscellaneous
1. Report of Court Administrator of Monies Collected and deposited during the month of February 2009
File #47056
 2. Approval of Liquor License Application for Randall Williams, d/b/a Beatnik's located at 3331 Rue Royale
File #47005
 3. Approval of Street Banner Sign Permit for Saint Peter Catholic Church and School
File #47084
 4. February Investment Report
File #47057
 5. Approval of Settlement Agreement with Charter Communications Regarding Two Franchise Fee Issues
File #47085
 6. Ratification of Approval to Terminate Loan Relationship with U.S. Air Force Museum for T-33 Aircraft Located at Smartt Field (Tentatively to be Located at the St. Charles VFW Post)
File #47086

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 9.B.2.b. Fire Station Design Team Committee Minutes of February 24, 2009
(Motion that during the concept design stage, preliminary plans for a 1500 square foot Police Substation adjacent to the Fire Station be included with the Fire Station Design)

Councilmember Michael Klinghammer clarified that the recommendation of the Fire Station Design Team Committee is to include a Police Substation in the design of the Fire Station for future consideration. A motion was made by MICHAEL KLINGHAMMER to approve the motion that during the concept design stage, preliminary plans for a 1500 square foot Police Substation adjacent to the Fire Station be included with the Fire Station Design made at the Fire Station Design Team Committee Meeting of February 24, 2009. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Stivison, Veit, Beckering, Ermeling, Klinghammer, and Kneemiller. "Nay": None. Absent: Reese, Weller, and Feldman. Motion passed.

Item 9.E.5. Renewal Contract with Fred Weber, Inc. for Landfill Services for the Street Division in an amount not to exceed \$50,000.00

Councilmember Michael Klinghammer voiced concern relative to the City dumping concrete at the landfill; and requested that Staff investigate purchasing property in need of fill to dump the concrete in lieu of using a landfill. A motion was made by MICHAEL KLINGHAMMER to approve the renewal contract with Fred Weber, Inc. for landfill services for the Street Division

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in an amount not to exceed \$50,000. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Stivison, Veit, Beckering, Ermeling, Klinghammer, and Kneemiller. "Nay": None. Absent: Reese, Weller, and Feldman. Motion passed.
File #47087

REPORT OF THE MAYOR

Appointments to Boards/Commissions

A motion was made by DAVE BECKERING to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Cemetery Advisory Committee: Re-appointment of Nancy Paul for a three-year term ending in March, 2012.

Veterans Commission: Re-appointment of Thomas Stephenson for a 3-year term ending in March, 2012.

BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Beckering, Ermeling, Klinghammer, Kneemiller and Muench "Nay": None. Absent: Reese, Weller, and Feldman. Motion passed.
File #47006

Written and/or Verbal Messages from the Mayor

Public Works Mutual Aid Agreement. The Honorable Mayor Patricia M. York announced that the City of O'Fallon recently passed a Public Works Mutual Aid Agreement Ordinance; therefore, the City of St. Charles now has Public Works Mutual Aid Agreements with the cities of St. Peters and O'Fallon.

Bicentennial Kick-Off Event. The Honorable Mayor Patricia M. York announced that the Bicentennial Kick-Off Event will be held at The Foundry Art Centre on Friday, March 27, 2009.

Three Flags Ceremony. The Honorable Mayor Patricia M. York announced that the Three Flags Ceremony, representing our Spanish, French, and American Ownership, will be held on Saturday, March 28, 2009, at Frontier Park.

Lindenwood University Performing Arts Center. The Honorable Mayor Patricia M. York announced that Lindenwood University is hosting free performances, as follows: Chorus Concert on March 25, 2009, and the Jazz Band Concert on April 21, 2009.

Tartan Days. The Honorable Mayor Patricia M. York announced that Tartan Days is scheduled for April 3-5, 2009, in Frontier Park.

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Moolah Shriner's Parade. The Honorable Mayor Patricia M. York announced that the Moolah Shrine Parade will be held on Riverside Drive at noon on Saturday, March 21, 2009.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

NLC Pilot Leadership Development Training Seminar. Councilmember Richard Veit announced that he and Councilmember Bob Kneemiller attended the NLC Pilot Leadership Development Training Seminar in Washington, D.C. sponsored by FEMA and National Homeland Security on March 14-15, 2009.

The Regular Council Meeting was adjourned at 8:15 p.m.

April 7, 2009
Date Approved
Marilyn L. McCoy
City Clerk

LAM
Larry Muench, Presiding Officer